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Attorneys for Plaintiff

BACKGATE DESIGNS, INC.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

BACKGATE DESIGNS, INC.,

Plaintiff,

v.

C.B.B. GROUP INC.,

Defendant.

**Case No. 5:11-cv-03388-PSG**

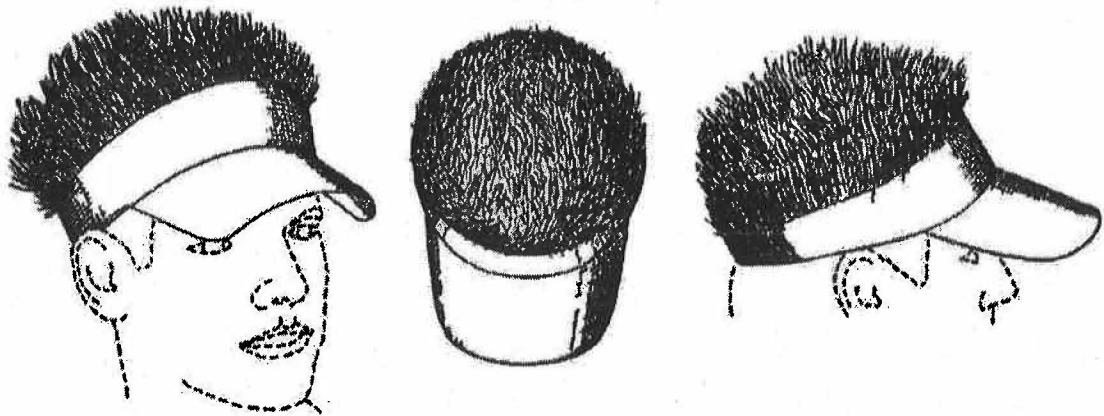
**STIPULATED PERMANENT  
INJUNCTION; ~~[PROPOSED]~~ ORDER**

The parties hereto having agreed to a settlement of the claims between them, and having stipulated to entry of this Permanent Injunction, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction over Defendant CBB GROUP, INC. (hereafter "CBB") and over the subject matter at issue in this action. Defendant CBB consents to jurisdiction of this Court for the purpose of executing and enforcing this Permanent Injunction, and this Court retains jurisdiction for this purpose.

2. Plaintiff BACKGATE DESIGNS, INC. ("BACKGATE") is the owner by assignment of U.S. Patent No. D557,478 ("478 Patent"). The '478 Patent claims the ornamental

1 design for a visor with simulated hair, as shown:



11 3. CBB acknowledges the validity of BACKGATE's '478 Patent, and agrees not to  
12 contest the validity of the '478 Patent or BACKGATE's ownership rights therein, in any future  
13 proceedings between the parties, including any future action claiming patent infringement.

14 4. CBB has offered for sale retail visors consisting partly of simulated hair that reflect  
15 the design claimed in the '478 Patent, including Item Number NV-3139 ("Infringing Visors").  
16 CBB represents and warrants that it has not sold any units of the Infringing Visors and holds no  
17 units of Infringing Visors in its inventory.

18 5. CBB represents and warrants that \_\_\_\_\_ (website address on  
19 alibaba.com) was its intended source of Infringing Visors. CBB further represents and warrants  
20 that it has not purchased any Infringing Visors from Alibaba or any other source, and  
21 that it has not sold or distributed directly or indirectly any Infringing Visors from Alibaba  
22 or any other source.

23 6. CBB represents and warrants that as of the date of this Permanent Injunction, it has  
24 not distributed, purchased or sold the Infringing Visors and that it has discontinued offering the  
25 Infringing Visors for sale. CBB further represents and warrants that it is not currently distributing,  
26 selling or offering for sale any other visor styles that reflect the design claimed in the '478 Patent.

27 7. CBB, and each of its officers, directors, agents, servants, employees, subsidiaries,  
28 affiliates, predecessors, successors and/or other related companies, and persons in active concert

1 or participation with CBB who receive actual notice of this order by personal service or otherwise,  
2 are permanently enjoined from manufacturing, importing, exporting, distributing, licensing,  
3 selling, marketing, advertising, promoting or offering for sale any visor with simulated hair that  
4 reflects the design claimed in the '478 Patent.

5 8. CBB shall remove all images of the Infringing Visors from its website, catalogues,  
6 and any other marketing materials and/or advertisements in CBB's possession or control, and  
7 instruct its customers to remove such images from their stores, websites and materials, within ten  
8 (10) days of the date of execution of this Permanent Injunction. Counsel for CBB shall provide  
9 written confirmation of the removal of all images set forth above within two (2) days of  
10 completion.

11  
12 **IT IS SO ORDERED.**

13 DATED: "", 444233

14  
15 By:

Paul S. Grewal  
The Honorable Paul Grewal  
Magistrate Judge of the U.S. District Court

16  
17 We hereby consent to entry of this Permanent Injunction:

18 DATED:

**HANEY, RODERICK, TORBETT & ARNOLD,  
LLP**

19  
20  
21 By:

Steven H. Haney  
Steven H. Haney (CBN 121980)  
Attorney for Defendant  
CBB GROUP, INC.

22  
23  
24 DATED: 9/19/11

**BRYAN CAVE LLP**

25  
26 By:

Bernie R. Goldman  
Bernie R. Goldman  
Attorneys for Plaintiff  
BACKGATE DESIGNS, INC.